

in the United States District Court
for the Middle District of Alabama
Northern Division

James Robert West, Jr.,
Plaintiff,

v.

Bryan H. Davis, COI, et al.,
Defendants.

2:07-CV-747-WKW

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2008 AUG 29 A 10:35
JEDRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Motion For Extension Of Time

Comes Now the Plaintiff, James Robert West, Jr., appearing Pro Se in the above-captioned case and moves the Court for a seven (7) days extension in which to file his Traverse to Defendant's Answer.

As grounds for his motion, West avers and shows as follows.

Under the current policy in force at Limestone Prison, prisoners are allowed access to the prison law library two (2) days per week. (Please see attached Affidavit) The maximum seating capacity pursuant to Standard Operating Procedure (SOP) is two (2) inmates. The prison law library is available for use on Tuesday and Friday for a population of circa 1,000 prisoners.

Because all state and federal reference materials, Co. 2d's, G. 2d's, G. 3d's, S.Ct. 2d's, U.S. Sup. Ct., are available on disc, it is imperative that any case research be done on a computer terminal. There is only two (2) computer terminals available for use by the inmate population on the two (2) designated days for access. Only one (1) hour is allowed when the terminal is available.

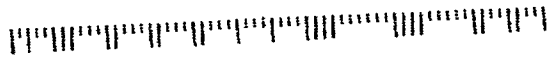
Wherefore, premises considered, West prays for the Court to grant the additional seven (7) days to submit his Traverse.

Respectfully submitted,
James Robert West, Jr.

Certification of Service

We hereby certify that we have served a true copy of this motion and affidavit on Jeffrey H. Long, assistant attorney general, 11 South Union Street, Montgomery, Alabama 36130 by placing a copy in the U.S. Mail Depository provided those prisoners assigned to Lincoln Prison and designated "free legal mail" for the Mail Clerk to effect sufficient postage to ensure delivery this 27th day of August 2008.

James Robert West Jr.

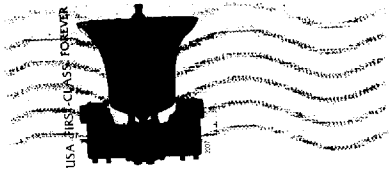


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This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication.

Michael V. Thacker
Wes. District Court
P.O. Box 4711
Prichard, Alabama 36101-0711

Reuben Robert West, Jr. 110915
Quadrone Prison
28979 1/2 N. Hwy 170
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In The United States District Court
For The Middle District Of Alabama
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v.

2:07-CV-747-WKW

Bryan H. Harris, COI, et al.,
Defendants

Affidavit

Before Me, the undersigned authority a Notary Public in and for said County and State of Alabama at large personally appeared before me James Robert West, Jr., who being known to me and being first duly sworn says on oath as follows.

My name is James Robert West, Jr. I am over the age of nineteen (19). All statements made herein are based on my personal knowledge, information and belief. I am competent to testify.

On August 12, 2008 I submitted a motion for 14 days extension of time in which to file my traverse to the Defendant's Answer in the above-captioned cause.

This Honorable Court granted said motion by Order issued the 15th day of August 2008. Since the filing of my motion for the 14 days extension, I have been allowed access to the Prison law library on two occasions.

The present policy at Limestone Prison is that, (1) I am allowed access to the prison law library two (2) days per week - Tuesday and Friday between the hours of 8:00 A.M. and 6:00 P.M.; (2) the maximum seating capacity is ten (10) prisoners at any given time; (3) six (6) of those spaces are reserved for computer terminals; (4) there is only one (1) table provided to accommodate a typewriter and three (3) occupants for use of the 1 table; (5) there are no provisions to have reference books, carbon, and paper issued for use outside the library.

Because of the reasons stated above, I have not completed the traverse to the Defendant's answers. Because of the nature of my pending complaint, specifically the retaliation claim regarding my filing of administrative complaints and lawsuits in state and federal courts because of this retaliation, there will be an exceptionally voluminous array of exhibits dating from the year 2006 when my claim for the present lawsuit occurred. There are approximately fifty (50) exhibits or more.

I submit this Affidavit in support of my motion attached hereto for the Court to grant me an additional seven (7) days in which to complete the traverse. Because I must handwrite each copy of the traverse, and the fact there are three (3) defendants, in addition to the consideration that I must do all of this sitting on my assigned bed, I appeal to the Honorable Court to grant my motion for the additional seven (7) days extension of time. Further Affiant saith not.

James Robert Hunt, Jr.
Affiant

State of Alabama
Limestone County

Subscribed and witnessed under my hand and seal this
the 26 day of Aug 2008.

Mark Reese
Notary

My Commission expires 9-26-11.